

## **Attachment A**

CAUSE NO. 20-2579-431

THOMAS RETZLAFF,	§	IN THE DISTRICT COURT
Petitioner,	§	
	§	
Vs.	§	OF DENTON COUNTY, TEXAS
	§	
JASON LEE VAN DYKE,	§	
Respondent.	§	431st JUDICIAL DISTRICT

**PETITIONER'S NOTICE OF ORAL DEPOSITION OF NONPARTY**  
**JAMES A. MCGIBNEY**

To: Jason Lee Van Dyke, respondent, pro se

To: James A. McGibney, 4305 Ridgebend Dr.,  
Round Rock, TX 78665

1. Please take notice that, under Texas Rule of Civil Procedure 199.2, petitioner, Thomas Retzlaff, will take the oral deposition of nonparty witness James A. McGibney on July 24, 2020, at 11am CT, at Huseby Austin, Regus Business Center, 7000 North MoPac Expressway, 2nd Floor, Austin, Texas 78731.

2. The deposition will continue from day to day until completed.

3. The deposition will be conducted remotely and will be recorded stenographically and on video. The stenographic recording will be conducted by Huseby court-reporting service.
4. Under Rule 199.2(b)(5), James A. McGibney is requested to produce at the deposition the documents listed on attached document.
5. This notice was issued without prior agreement because Van Dyke did not cooperate in obtaining convenient dates for your deposition. Should you find the date or time noticed for this deposition inconvenient, this office will cheerfully cooperate to reschedule the deposition to a more convenient date or time without the need for court intervention.
6. In consideration of COVID-19, at your request and with 3-day notice, you may appear remotely. Should you decide to appear remotely, you are still under subpoena to produce the documents identified below at the time of your deposition. If you are appearing remotely, arrangements must be made to provide the subpoenaed documents prior to the start of your deposition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom", written in a cursive style.

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Thomas Retzlaff  
PO Box 46424  
Phoenix, AZ 85063-6424  
(210) 317-9800  
email: [Retzlaff@texas.net](mailto:Retzlaff@texas.net)

Petitioner, pro se

**CERTIFICATE OF SERVICE**

I certify that on July 2, 2020, a copy of this document was electronically filed with the Texas e-Filing system, which will automatically serve a Notice of Electronic Filing on the following:

**Jason Lee Van Dyke – respondent, pro se**

**James A. McGibney – nonparty witness**

A handwritten signature in black ink, appearing to read "Tom", is positioned above a horizontal line.

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Thomas Retzlaff

## **DOCUMENTS TO BE PRODUCED**

1. All documents reflecting communications between you (or from any other 3rd party) and Jason Lee Van Dyke, to include all emails, text messages and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
2. All documents supporting a claim that Thomas Retzlaff is the author of content on the “BV Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).
3. All documents supporting a claim that Thomas Retzlaff is an administrator of, or otherwise exercising control over, the *BV Files* blog.
4. All documents pertaining to any technical, scientific, or investigative methods you have used to determine that Thomas Retzlaff is an owner, administrator, author, or contributor of content to the “BV Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).
5. Your most current resume.
6. All documents evidencing any computer technology and investigative training you have had, including college degrees, diplomas, certificates, or transcripts of course work.
7. All documents evidencing any special skills in computer technology you claim to possess, including college degrees, diplomas, certificates, or transcripts of course work.
8. All documents reflecting communications between you and Philip Klein, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.

9. All documents reflecting communications between you and Brittany Retzlaff, including audio recordings, letters, reports, e-mails, text messages, drafts of affidavits, interlineated comments on drafts of affidavits. and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
10. All documents reflecting communications between you and Collin Retzlaff, including audio recordings, letters, reports, e-mails, text messages, drafts of affidavits, interlineated comments on drafts of affidavits. and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
11. All communications between you and Walker Wicevich, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
12. All communications between you and any representative of the FBI, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your response.
13. All communications referencing or pertaining to Thomas Retzlaff between you and any member of local, state, or federal law enforcement.
14. Copies of any law enforcement reports, complaints, and communications, you have filed, submitted, or transmitted that reference or pertain to Thomas Retzlaff from January 1, 2014, to the date of your response.
15. All documents reflecting any surveillance activities performed by you or at your request on Thomas Retzlaff or any of his family members from January 1, 2014, to the date of your response.
16. All communications between you and any family member of Thomas Retzlaff, including audio recordings, letters, reports, e-mails, text messages, and any other form of communication (to include notes of any conversations), from January 1, 2014, to the date of your